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April 8, 2005

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Federal Communications Commission  
Office of Secretary

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., TW-A325  
Washington, D.C. 20544

**Re: In the Matter of Implementation of the Satellite Home Viewer  
Extension and Reauthorization Act of 2004  
Implementation of Section 340 of the Communications Act  
MB Docket No. 05-49**

Dear Ms. Dortch:

Enclosed please find, on behalf of WGAL Hearst-Argyle Television, Inc., the original and four copies of Comments for filing in the above-referenced matter.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Sincerely,



David Kushner

Enclosures



**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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Federal Communications Commission  
Office of Secretary

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	)	
Implementation of the Satellite Home Viewer	)	MB Docket No. 05-49
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Communications Act	)	

**COMMENTS OF WGAL HEARST-ARGYLE TELEVISION, INC.**

WGAL Hearst-Argyle Television, Inc., licensee of Television Station WGAL(TV), Lancaster, Pennsylvania, ("WGAL"), through its attorneys, files these comments in response to the *Notice of Proposed Rule Making* ("Notice"), FCC 05-24, released by the Commission on February 7, 2005, in the above-referenced proceeding.

Pursuant to paragraph 14 of the *Notice*, WGAL files these comments to point out an error in the Significantly Viewed List (the "List") attached to the *Notice*. The List indicates that WKBS-TV, Channel 47, Altoona, Pennsylvania, is significantly viewed in the Pennsylvania counties of Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia; in the Pennsylvania communities of East Hempfield Township, East Lampeter Township, East Petersburg, Lancaster, Lancaster Township, Manheim Township, Manor Township, Millersville, Mountville, West Hempfield Township, and West Lampeter Township; in the New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, and Salem; and in the Delaware county of New Castle. However, WKBS-TV in Altoona, which is a satellite station of WPCB-TV,

Greensburg, Pennsylvania, did not become operational until October 1985.<sup>1</sup> Instead, the television station that was designated as significantly viewed in these counties and communities was WKBS-TV, Channel 48 (not Channel 47), located more than 300 kilometers to the east in Burlington, New Jersey.<sup>2</sup> WKBS-TV, Channel 48, in Burlington-Philadelphia, originally licensed to Kaiser Broadcasting, became operational in 1965. In 1977, Kaiser sold the station to Field Communications. WKBS-TV, Channel 48, eventually went dark on August 29, 1983. Nearly a decade later, in August 1992, WGTW-TV, Burlington, New Jersey, licensed at that time to Brunson Communications and now licensed to Trinity Christian Center of Santa Ana, Inc., began broadcasting on Channel 48.<sup>3</sup> In the meantime, the Altoona station adopted the now abandoned call sign of WKBS-TV in October 1984, according to the Commission's CDBS. The geographical distance of the Altoona station in western Pennsylvania from its allegedly significantly viewed counties and communities (e.g., Cape May, New Jersey) makes it obvious that the error is simply a result of the use of the same call sign.

### **Conclusion**

In light of this history, WKBS-TV, Altoona, appears on the List in error, and it should be deleted from the List in each of the Pennsylvania, New Jersey, and Delaware counties and

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<sup>1</sup> See TELEVISION & CABLE FACTBOOK 2005 at A-1731.

<sup>2</sup> See *Memorandum Opinion and Order on Reconsideration of the Cable Television Report and Order*, 36 FCC 2d 326 (1972), Appendix B (showing WKBS to be a Philadelphia station broadcasting on Channel 48, not Channel 47).

<sup>3</sup> See WKBS-TV, <http://www.economicexpert.com/a/WKBS:TV.html> (viewed Apr. 5, 2005) (providing history of WKBS-TV, Channel 48); WGTW, <http://www.economicexpert.com/a/WGTW.html> (viewed Apr. 5, 2005) (providing history of WGTW-TV, Channel 48).

communities in which it appears, as set forth above. WGTW-TV should not be substituted in its place because after nearly a decade of darkness it is not the same station that was previously determined to be significantly viewed two decades earlier.

Respectfully submitted,

**WGAL HEARST-ARGYLE TELEVISION, INC.**



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